

REMARKS

The Examiner has asserted a number of rejections and they are addressed in the order presented below.

- I. Claims 1-8, 14, 15 and 17-21 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by United States Patent Application Publication No. 2003/0077599 To Sogard et al.
- II. Claims 1-4, 14, 15, 17, and 18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ecke et al, *Intl J Eng Sci* 36:1471-1480 (1998), in view of Vorobieff et al. *Physica D* 123:153-160 (1998), and further in view of Selvaganapathy et al., *Proc IEEE* 91:954-975 (2003).
- III. Claim 3 is rejected under 35 U.S.C. § 112 ¶ 2 as allegedly being indefinite.

I. The Claims Are Not Anticipated

As the Examiner is well aware, a single reference must disclose each limitation of a claim in order for that reference to anticipate the claim. *Atlas Powder Co. v. E.I. du Pont De Nemours & Co.*, 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984). This criterion is not met with the Sogard et al. reference. Nonetheless, without acquiescing to the Examiner's argument but to further the prosecution, and hereby expressly reserving the right to prosecute the original (or similar) claims, Applicants have canceled Claims 1-8, 14, 15, and 17-21. These cancellations are made not to acquiesce to the Examiner's argument but only to further the Applicants' business interests by expediting the issuance of the allowed claims within this application.

II. The Claims Are Not Obvious

The Examiner believes that Claims 1-4, 14, 15, 17, and 18 are obvious when viewed by Ecke et al., Vorobieff et al., and Selvaganapathy et al. *Office Action* pg 5 ¶ 7. The Applicants disagree and point out that this rejection is moot in view of the above claim cancellations made for other reasons.


III. Claims 3 Is Definite

The Examiner believes that Claim 3 is redundant in regards to Claim 1. *Office Action* pg 3 ¶ 4. The Applicants disagree and point out that this rejection is moot in view of the above claim cancellations made for other reasons.

CONCLUSION

The Applicants believe that the arguments and claim cancellations set forth above traverse the Examiner's rejections and, therefore, request that all grounds for rejection be withdrawn for the reasons set above. The remaining claims are, therefore, in condition for allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the Applicants encourage the Examiner to call the undersigned collect at 617.984.0616.

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